

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Industrial Services Group, Inc.,)	C/A No. 3:17-cv-02286-DCC
)	
Plaintiff,)	
)	
vs.)	
)	ORDER
Jon Kensington,)	
)	
Defendant.)	
_____)	

This matter is before the Court on Defendant's Motions to Dismiss for Failure to State a Claim and to Dismiss for Improper Venue or, in the Alternative, to Change Venue. ECF Nos. 6, 7. Plaintiff filed a Response in Opposition , and Defendant filed Replies. ECF Nos. 10–12.

In accordance with 28 U.S.C. §636(b) and Standing Order *In Re: Magistrate Judge Case Equalization Plan*, No. 3:12-mc-00386-MBS (D.S.C. Nov. 7, 2012), Defendant's Motion to Dismiss for Improper Venue or, in the Alternative, to Change Venue was referred to United States Magistrate Judge Paige J. Gossett for a Report and Recommendation ("Report"). On July 23, 2018, the Magistrate Judge issued a Report recommending that the Motion be granted and the action be dismissed. ECF No. 17. The Magistrate Judge advised the parties of the procedures and requirements for filing objections to the Report and the serious consequences for failing to do so. Neither party filed objections, and the time to do so has passed.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final

determination remains with the Court. See *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a de novo determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The Court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. See U.S.C. 636(b). The Court will review the Report only for clear error in the absence of an objection. See *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of timely filed objection, a district court need not conduct a *de novo* review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” (citation omitted)).

After considering the record in this case, the applicable law, and the Report of the Magistrate Judge, the Court finds no clear error and agrees with the Report’s recommendation. Accordingly, the Court adopts the Report by reference in this Order. Defendant’s Motion to Dismiss for Improper Venue [7] is **GRANTED**. Accordingly, Defendant’s Motion to Dismiss for Failure to State a Claim [6] is **FOUND as MOOT**.

IT IS SO ORDERED.

s/Donald C. Coggins, Jr.
United States District Judge

August 7, 2018
Spartanburg, South Carolina